

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

GERRY L. MCCUTHISON

Plaintiff

**THE TENNESSEE DEPARTMENT OF
HUMAN SERVICES, SHELBY COUNTY
JUVENILE COURT, MAXIMUS, and all of
their AGENTS, Individually and in their
official capacity as Professionals in positions
of authority and or non-professionals acting in
And by the directives of their superiors.
Defendants**

CASE NO. 1:12-cv-95
JURY DEMAND

HSM/WBC

COMPLAINT

Comes the plaintiff, **GERRY L. MCCUTHISON**, and for his complaint against the defendants, **THE TENNESSEE DEPARTMENT OF HUMAN SERVICES, SHELBY COUNTY, JUVENILE COURT, MAXIMUS CHILD SUPPORT SERVICES, and all of their AGENTS, each Organization, Individually and in their official capacity as Professionals in positions of authority.** and all of their **AGENTS**, individually and in their official capacity as professionals in positions of authority, hereinafter referred to as the Defendants.

1. In this complaint, Plaintiff asserts the following causes of action against the Defendants (i) a violation of Plaintiff's Constitutional Due Process Rights, (ii) Discrimination based on Gender, (iii) breach of a performed, stated and implied agreement, (iv) denial and violation of civil and parental rights and the a breach of a previous agreement, (v) fraudulent Theft

by taking through official proceeding, (vi) fraud through misrepresentation and misrepresentation of facts, (vii) a violation of the Plaintiff's 14th Amendment Rights through the denial of the equal protection of the law and the deprivation of property and earned wages and interception of Internal Revenue Service Income Tax awards, (viii) conspiracy against rights to injure, threaten, and intimidate the Plaintiff to prevent any action for redress, (ix) deprivation of rights under color of law denying the Plaintiff of the rights, privileges, and immunities of the constitution and appropriate state laws of Tennessee, (x) engagement in a pattern, practice with reckless and deliberate negligence that refuse to give any credit or faith to actions taken outside of Shelby County, in violation of the full faith and credit clause of the Federal Constitution.

2. Plaintiff asserts that the Defendants filed a Self Serving Child Support Action against him in the Shelby County Juvenile Court ON behalf of his son's mother. Plaintiff's son, Gerry Louis Mccuthison, Jr. Was born on December 31, 1988 and the Plaintiff has been in and an active part of his son's life even prior to that date. The Defendants violations of the Plaintiff Constitutional parental and civil rights begin here, due to the Plaintiff not being served or notified of the initial actions against him even though the Plaintiff had and was always an active part of his sons raising and parenting. The violations served to damaged the relationship between the son and father and resulted in the son being unfairly kept from the father for a period of time after his initial years in school in Chattanooga, Hamilton County, Tennessee. The Child in common even eventually graduated from the Chattanooga High School Center for Creative Arts in 2005. The original false and misleading action was filed in or around 1994 or 1995 and has been maintained despite

evidence presented and provided that proved the complaint was false. Once presented with counter evidence the Defendants simply changed portions of their filing to fit with their action though the initial filing was the beginning of the oppression the Plaintiff seeks to redress. Plaintiff asserts that even though the Complaint has morphed over the years, the initial complaint for Child Support was fraudulent and lead to the current action that is being maintained by the State of Tennessee and the Shelby County Juvenile Court regarding Child Support under the current Docket Number: 145804.

THE PARTIES

3. Plaintiff, Gerry Louis Mccuthison, is an individual citizen of the State of Tennessee, lives in Hamilton County, in the City of Chattanooga. At all times relevant to this action, Plaintiff resides in the City of Chattanooga, Hamilton County, Tennessee, and has never lived in Memphis, Shelby County, Tennessee.
4. Defendant Shelby County Tennessee Juvenile Court
5. Defendant Tennessee Department of Human Services
6. Defendant Maximus Child Support Services as an Agent and .
7. This action arises under the Federal Laws as outlined.
8. Jurisdiction over all counts as a result of the Defendants violation of the Plaintiff's Constitutional Rights.
9. Venue is properly laid in the United States District Court for the Eastern District of Tennessee, because Plaintiff lives in Chattanooga, Hamilton County, Tennessee and most all claims past and present arose in Hamilton County Tennessee and Shelby County Tennessee where most of the violations originated..

10. All conditions precedent to filing this action in this Federal Court have been met. Plaintiff has exhausted all reasonable remedies and attempts a redress of his claims with the Defendants only to be met with more retaliatory actions and violations of Plaintiff's Constitutional Rights, for seeking relief.
11. At all times Shelby county Juvenile Court has maintained a continuous Child Support case against the Plaintiff for an UNJUST claim and financial benefit.
12. The Plaintiff demands "pecuniary loss" or "monetary damages in an amount according to proof as Treble Damages provided by law to punish defendant(s) intentional, reckless and willful behavior to fraudulently harm the Plaintiff and his relationship with his son, Gerry Louis Mccuthison Jr.
13. Plaintiff Gerry Louis Mccuthison avers that after the false allegations were lodged against him in a complaint by an Agent in an initial complaint in the Memphis Shelby County Juvenile Court, he became ill, physically and emotionally from the associated stress and continues in those injurious damages until the present due to the continued actions of the Defendants.
14. Plaintiff Gerry Louis Mccuthison avers that the Shelby County Juvenile Court originally refuse to acknowledge the Plaintiff's relationship with his biological son or recognize any actions brought by the Plaintiff in any court, venue or Administrative Proceeding.
15. Plaintiff states that he was even required to continue child support payments after his son came AGAIN to permanently live with him in 2002 and the Plaintiff was prevented from filing any action in Chattanooga, Hamilton County either through Administrative Hearings or Court action, being advised that all action had to proceed through Shelby County

Juvenile Court, Though an action had occurred in Hamilton County Prior to the fraudulent support filing.

16. Plaintiff avers that neither Defendant would acknowledge his parental rights or give Plaintiff any access to the legal system by maintaining a policy and practice of Shelby County only legal filings for the Child Support Claims against the Plaintiff.
17. Plaintiff states that the Default Judgment against him was done in a discriminatory manner in an effort to prevent Redress in any future proceedings to provide a shield against potential legal action and redress by the Plaintiff.
18. Plaintiff states that the original complaint(s) lodged against him were false and fraudulent and violated an agreement that gave him equal custody of his child and the equal protection clause of the Federal Constitution.
19. Plaintiff states that the Defendants have conveniently changed elements of the legal actions filed against the Plaintiff in an effort to make possible defense of their charges difficult.
20. Plaintiff avers that neither of the Defendants would provide him with an exact date of any complaint or how and when it was filed, and neither agency would provide him with a copy of the petition or complaint lodged against him.
21. Plaintiff avers that without knowing the contents of the complaint or petition against him an effective defense of the charges lodged was and is impossible.
22. Plaintiff States that he was NEVER served with a complaint with regard to initial action against him by the Shelby County Juvenile Court.
23. Plaintiff States that the initial judgment against him was awarded by default through Administrative Fraud with The Tennessee Department of Human Services.

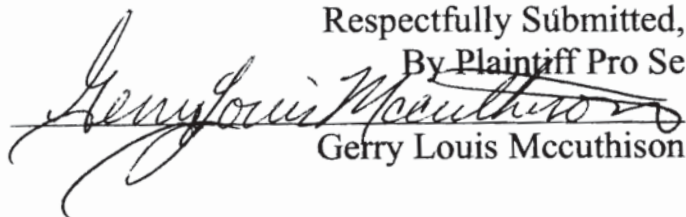
24. Plaintiff asserts that the initial complaint against him was false, presented with false allegations in an effort to hide truthful statements that would have terminated the complaint.
25. Plaintiff avers that once the truthful statements were known, the Shelby County Juvenile Court proceeded with their case for the financial advantage of stealing through fraud and misrepresentation.
26. Plaintiff avers that he was injured personally, financially and civilly by the misrepresentation of the Department of Human Services and the Shelby County Juvenile Court.
27. Plaintiff re-alleges that by their actions, practices and policies of practice, the Tennessee Department of Human Services and the Shelby County Juvenile Court and all their agents, before and after the fact, intentionally discriminated against the Plaintiff Due to his Gender and Race (Disparate Impact) and in Plaintiff's Geographical location outside of the county of Shelby in an effort to Forum Shop.
28. As a result of the above violations by the Defendants and Their agents, the Plaintiff suffered Great Emotional Distress and continues to suffer daily, with the constant threats and harassing letters, notices and intrusions from each Defendant
29. Plaintiff has been subjected to a totally bias and hostile treatment in the Administrative Proceedings of the Tennessee Department of Human Services and in the proceedings of the Shelby County Juvenile Court.
30. Plaintiff was recently forced into a hearing with the the Shelby County Juvenile Court on a motion filed in the Plaintiff's name, though the Plaintiff did not file, submit or request a hearing. Plaintiff alleges that the motion was filed and processed in retaliation for a letter

of complaint filed with the Tennessee Department of Human Services in reference to the actions of both organizations treatment of the Plaintiff. Plaintiff asserts that this is Official Oppression through an Abuse of Process.

31. Plaintiff asserts that he currently is required to pay Seven Hundred Dollars of his Monthly income to Maximus and is was required to do this even during the time his son resided with him damaging his household and forcing him to provide less to his son then and currently due to this Administrative and Official Oppressive styled theft.
32. Plaintiff also assert that the initial cause of action that brought a Default Judgement prior to this filing was simply an Abuse of Process and Malicious Prosecution developed by the Shelby County Juvenile Court and The Tennessee Department of Human Services to advantage themselves with the knowledge that the Plaintiff could not make the laborsome trip to Memphis, Tennessee to defend against the Action after the case had been ruled on.
33. Plaintiff assert that the failure of the Shelby County Court to notify the Plaintiff that an Action was being taken against him was deliberate and done so to prevent any effective defense or redress.
34. Plaintiff asserts that the Defendants refused to forward, mail, give, or allow a review of any Legal Complaint filed in the Shelby County Juvenile Court or any of the Documents filed with The Tennessee Department of Human Services in support of that claim, preventing any effective Appeal, providing for a self-serving and favorable ruling and Default Judgment to burden the Plaintiff.
35. Plaintiff asserts that at no time during the initial proceedings for the case the provided for the Default Judgment was the Plaintiff allowed or advised to be present.

36. Plaintiff learned of the Child Support complaint after the Default Judgment, placing the Plaintiff at an unfair disadvantage with the Shelby County Juvenile Court and the Tennessee Department of Human Services.
37. Plaintiff asserts that the Defendants continue the wage assignments awarded with the Default Judgment as a way to prevent Plaintiff from taking any effective legal action for redress.
38. Plaintiff prays for the following relief.
 - a. An immediate order stopping all wage assignments and income interception by either Defendant.
 - b. An order requiring the Tennessee Department of Human Services to cease all activity and action on any case involving the Plaintiff Gerry Louis Mccuthison immediately.
 - c. An order requiring the Shelby County Juvenile Court to cease all activity on the case involving Gerry Louis Mccuthison.
 - d. An order requiring Maximus to cease all activity on any legal action and case that involves Plaintiff Gerry Louis Mccuthison.
 - e. An order stopping all Internal Revenue Service activity under the name of the Plaintiff with regard to the information provided by the all Defendants.
 - f. An order allowing the Plaintiff to receive all monies, wages and Tax Return money that he earns or is entitled to.
 - g. An order requiring Defendants to repay all money taken by either Defendant in Treble due to the gross violation and continuous nature of the actions presently violating Plaintiff's Constitutional Rights.

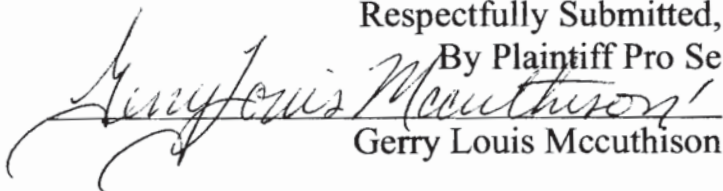
- h. An order requiring Defendants to pay the Plaintiff punitive damages for the emotional distress intentionally and recklessly caused by Defendants careless and unconcerned application of the legal process that injured the Plaintiff.
- i. An order requiring the Defendants to pay the cost of this legal complaint and all legal fees associated with this filing.
- j. An order requiring EACH Defendants to provide the Plaintiff with a copy of any and all Administrative and Legal Complaints filed with the Plaintiff as a Defendant or Respondent since 1989.
- k. An order allowing the Plaintiff to add Defendants, Charges and to expand Relief as information that has been denied the Plaintiff is revealed in documentation that has been kept secret.
- l. That this court award such other and further relief as may be just and equitable, and
- m. Plaintiff's DEMAND FOR A JURY TRIAL under Rule 38(b) and (c) be granted.

Respectfully Submitted,
By Plaintiff Pro Se

Gerry Louis Mccuthison

CERTIFICATE OF SERVICE

This is to certify that I have served the following named persons with a true and exact copy of the foregoing pleading by placing a copy of said pleading in the U.S. Mail, with sufficient postage thereupon to carry the same to its destination at the following:

This the 27 day of March, 2012

Respectfully Submitted,
By Plaintiff Pro Se

Gerry Louis McCuthison